REMARKS

Claims 1-5, 8-17, 20-28, and 31-41 are pending. Applicant proposes amending claims 1, 13, 24, 32, 33, 34, 36, and 38.

Claims 1-5, 8-17, 20-28, and 31-41 stand rejected under 35 U.S.C. § 103.

Reconsideration is respectfully requested in view of the above amendments and following remarks.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-5, 8-17, 20-28, and 31-41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US patent publication 2003/0076306 A1 (hereinafter "Zadesky") in view of US patent publication 2001/0043198 A1 (hereinafter "Ludtke"). Reconsideration is respectfully requested.

Amended claim 1 recites:

> A user interface control, comprising:
>
> a touchpad control having a touch-sensitive surface comprising the shape of an arc, **the arc divided into a first region and a second region by a dividing boundary, <u>the first region being predefined</u>** and associated with a first function having a plurality of different degrees of said first function, each degree of the first function associated with a corresponding relative distance within the first region from the dividing boundary, and **<u>the second region being predefined</u>** and associated with a second function having a plurality of different degrees of said second function, each degree of the second function associated with a corresponding relative distance within the second region from the dividing boundary, the second function being an opposite function of the first function, **the dividing boundary being an orthogonal center line demarking a boundary between the first region and the second region,**
>
> wherein the touchpad control is configured to detect a touch within the first region or the second region, and to select the first function and an associated degree of the first function corresponding to the relative distance of the touch from the dividing boundary upon detecting the touch in the first region, and to select the second function and an associated degree of the second function corresponding to the relative distance of

         the touch from the dividing boundary upon detecting the touch
         in the second region.

In order for a reference or set of references to render the claim obvious, the references must teach the entirety of the recited claim including the above-emphasized language. Applicants respectfully submit that the cited references do not teach the emphasized language and cannot possibly teach the recited combination.

         Zadesky discloses a media player having a touch pad 110. In connection with FIGS. 2, 3a, 3b, and 3c, Zadesky discloses that the touch pad 110 is arranged to receive input from a finger moving across the surface of the touch pad 110. (Zadesky at ¶ [0036]). The types of finger motions that are effective inputs to the touch pad 110 include finger motion, rotary or swirling finger motion, or finger tapping. (Zadesky at ¶ [0037]). In one embodiment, the control function corresponds to a scrolling feature for scrolling through a song menu displayed on a display screen 104. (Zadesky at ¶ [0038]). The touch pad may be arranged to move the GUI vertically up when the finger is moved in a first direction and vertically down when the finger is moved in a second direction. (Zadesky at ¶ [0039]).

         In contrast with claim 1, Zadesky does not disclose "a touch-sensitive surface comprising the shape of an arc, **the arc divided into <u>a first region</u> and <u>a second region</u> by a dividing boundary, <u>the first region being predefined</u> . . . and <u>the second region being predefined</u> . . . .**" Rather, Zadesky discloses a <u>**single**</u> touch pad input area that distinguishes between inputs, not based on region, but based on the direction of the user's finger inputs. In Zadesky, any movement of the finger **originating from <u>any position</u> on the single touch pad area** in the direction towards the upper edge of the touch pad will scroll the menu of songs in the up direction, and conversely, any movement of the finger **originating from <u>any position</u> on the touch pad area** in the direction towards the lower edge of the touch pad will scroll the menu of songs in the down direction. The touch pad 110 has a single input area and may be touched at *any* point in the touch pad surface. Thus, in Zadesky, there is no concept of a touch sensitive surface "**divided into a first region and a second region by a dividing boundary, <u>the first region being predefined</u> . . . and <u>the second region being predefined</u> . . . .**"

         The Office points to items 138 and 136 of Zadesky as allegedly relevant. Zadesky discloses in connection with Figure 3C that "the user can slide his or her finger 132

substantially tangentially from all sides of the touch pad 110." (Zadesky at ¶ [0050]). "For example, the touch pad 110 may be actuated forwards and backwards as shown by arrows 136 and side to side by arrows 138." (Zadesky at ¶ [0050]). Thus, reference numerals 136 and 138 to which the Office cites, are, in fact, *merely arrows showing potential movement on touchpad 110* and are **not** "a first region . . . the first region being predefined", and "a second region . . . the second region being predefined" as recited in the claims. To the contrary, Zadesky discloses that "the user can slide his or her finger 132 substantially tangentially **from all sides** of the touch pad 110." Thus, not only does Zadesky not disclose "a first region . . . the first region being **predefined**", and "a second region . . . the second region being **predefined**," but by teaching that "the user can slide his . . . finger . . . from **all** sides of the touch pad," Zadesky actually teaches away from "a first region" and a "second region."

Moreover, arrows 136 and 138 as disclosed by Zadesky certainly are not "divided . . . by a dividing boundary, . . . **the dividing boundary being an orthogonal center line demarking a boundary between the first region and the second region**." Indeed, the Office does not point to a "dividing boundary" at all, and Zadesky certainly does not disclose or suggest "an orthogonal center line demarking a boundary between the first region and the second region." Applicants respectfully request that should the Office maintain the rejection, that it point to the specific language in Zadesky that allegedly corresponds to the "dividing boundary" as recited in the claim.

Furthermore, in view of the fact that Zadesky does not disclose "a first region" and a second region" Zadesky also does not teach or suggest "the **first region associated with a first function** . . . and the **second region associated with a second function** . . . **the second function being an opposite function of the first function**." In Zadesky, the menu on the display may be scrolled up and down by touching any point on the touch pad surface and then moving the finger up or down along the touch pad surface to indicate the direction of scrolling. Thus, Zadesky's touch pad 110 provides functionality for scrolling up or down. But neither the up nor the down functionality is "associated with" a particular "region" of the touch pad surface. Rather, in Zadesky, the scrolling functionality is associated with the direction of the finger movement and not the region of the touch pad. Moreover, because Zadesky does not disclose "a first region associated with a first function" and a "second

region associated with a second function," Zadesky cannot possibly disclose that the "**the second function [is] an opposite function of the first function.**"

Ludtke does not address the deficiencies of Zadesky. Ludtke discloses a data entry user interface comprising a touch sensitive display screen 11 with a slider 14. (Ludtke at ¶ [0015], [0016]). The slider 14 provides indexing marks or other graphical information to indicate to the user what type of data will be entered as the slider is manipulated. (Ludtke at ¶ [0030]). The contents of the slider data is tailored to the nature of the field being manipulated. (Ludtke at ¶ [0030]). Thus, if the field represents a currency value, then the indices may only show numbers when the slider is ready for manipulation. Manipulation of the slider will only cause number values to be selected. On the other hand, if the field represents a textual description, then the indices may only show alphanumeric characters when the slider is manipulated. (Ludtke at ¶ [0030]).

In Ludtke, a pointer 12 may be moved between the ends 30, 31 of the slider 14 in order to select a position along slider 14. (Ludtke at ¶ [0033]). The position of the pointer 12 represents a value amongst the data values represented by the slider 14. (Ludtke at ¶ [0033], [0036]). If the user drags pointer 12, the program selects candidate values from range 72 based on the then-current distance of the pointer from the ends 30, 31 of the bar.

In contrast with claim 1, Ludtke does not disclose or suggest "a touch-sensitive surface comprising the shape of an arc, **the arc divided into a first region and a second region by a dividing boundary, the first region being predefined . . . and the second region being predefined . . . .**" Rather, in Ludtke, the slider 14 represents a *continuous* region between ends 30 and 31. All data values represented by the position of the pointer 12 along the length of the slider 14 correspond to the *same* field of data. The slider 14 of Ludtke is simply not "divided into a first region and a second region by a dividing boundary."

Moreover, the slider 14 as disclosed by Ludtke certainly is not "divided . . . by a dividing boundary, . . . **the dividing boundary being an orthogonal center line demarking a boundary between the first region and the second region.**" Indeed, the Office does not point to a "dividing boundary" at all, and Ludtke certainly does not disclose or suggest "an orthogonal center line demarking a boundary between the first region and the second region."

Ludtke also does not teach or suggest "the **first region associated with a first function** . . . and the **second region associated with a second function** . . . the second

function being an <u>opposite</u> function of the first function." Rather, in Ludtke, the data values represented by the slider 14 all correspond to a *single* field of data being manipulated. In Ludtke, there is no "first region" and "second region" as recited in the claim. Furthermore, the slider 14 represents *data values* and *not "function[s]"* as recited in the claims. Accordingly, in Ludtke, there is no "first region associated with a first function" and no "second region associated with a second function." Moreover, because Ludtke does not disclose "a first region associated with a first function" and a "second region associated with a second function," Ludtke cannot possibly disclose that the "**the second function [is] an opposite function of the first function**." To the contrary, all of the data values represented by slider 14 belong to a single set of data values that represent the *same* data item.

Therefore, because neither Zadesky nor Ludtke disclose or suggest the above emphasized claim language, Zadesky and Ludtke cannot possibly be combined to form the recited combination. Accordingly, claim 1 is not rendered obvious in view of the references. For similar reasons, the remaining independent claims and all dependent claims are not rendered obvious by Zadesky and Ludtke.

We note that each of the claims recites language that further distinguishes from the cited references. For example, claim 13 recites "each of the first region and the second region having **a relatively greater thickness proximate the dividing boundary than proximate a distal end of each respective region**." Applicants respectfully submit that the cited references do not disclose the recited claim language. The Office alleges that Zadesky discloses that the shape of the touch pad may be varied. (Office Action at p. 4). But as noted above, Zadesky does not disclose a first "predefined" region and a second "predefined" region. Nor does Zadesky disclose a "dividing boundary." Accordingly, Zadesky cannot possibly disclose each of the first and second regions "<u>having a relatively greater thickness proximate the dividing boundary than proximate a distal end of each respective region</u>." For this additional reason, claim 13 patentably defines over the references.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

CONCLUSION
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Applicants respectfully submit that the pending claims are allowable and the application in condition for allowance. A Notice of Allowance is respectfully solicited.

Examiner Kumar is invited to call the undersigned in the event a telephone interview will advance prosecution of this application.

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